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IN THE INTERNATIONAL BUREAU (WIPO)

International Application Number	International Filing Date	International Earliest Priority Date
PCT/US03/40163	16 December 2003	16 December 2003

Title of Invention: **Collapsible Stroller Backpack**
Applicant: **Amran, Fadi**

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**LETTER FOR PCT ARTICLE 19
(PCT SECTION 205)**

1. Applicant herewith submits replacement sheets(s) number(ed) 11-13 to replace sheet(s) number(ed) 11-13 originally filed for this application.

2. In respect of each claim appearing in the international application based on the replacement sheets submitted herewith, and in accordance with PCT Section 205, the following claim(s) is/are:

- (i) unchanged: claim(s) 2-21
- (ii) cancelled: claim(s) none
- (iii) new: claim(s) none
- (iv) replacement of one or more claims as filed, as follows: 1
- (v) the result of the division of one or more claims as filed, as follows: none

Dear Sir:

The Search Report dated 07 March 2005 designated 3 references as being relevant to patentability. In response, claim 1 has been amended. The references are addressed below seriatim.

Revised claims

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Version with markings to show changes made.

1. A collapsible stroller backpack configurable in at least three configurations wherein:
a first configuration is a stroller configuration wherein the stroller backpack comprises
a seat assembly adapted to receive a child; [[and]]
a second configuration is a backpack configuration wherein the stroller backpack is
adapted to be worn and to carry items while the seat assembly is not adapted to
receive a child; and
a third configuration is a portable backpack configuration wherein the stroller
backpack is adapted to be pushed or pulled along the ground using a handle
extended from the stroller backpack while the seat assembly is not adapted to
receive a child.

Novelty

Harada et al (U.S. Patent No. 4,487,428) (Harada)

The Office considers claims 1-5 and 8 to be anticipated by Harada. The applicant respectfully disagrees with that position as reflected by the reasoning below.

“Anticipation under 35 USC § 102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention...” *Rockwell International Corp. v. United States*, 147 F.3d 1358, 1363, 47 USPQ2d 1027, 1031 (Fed. Cir. 1998), (emphasis added).

All independent claims recite a “backpack”, but Harada fails to disclose this element. Harada is directed toward a stroller that can be collapsed and worn on a person’s back. Despite the fact that Harada briefly discusses a “pouch”, the stroller is not suited for use as a backpack. For one thing, the “pouch” discussed in Harada is not of sufficient size to meet the definition of a *standard backpack*. The specification before the examiner points out that the “container assembly is...*a standard backpack*” (emphasis added) (page 4, third full paragraph) and that the cavity should be shaped and sized appropriately (page 5, first full paragraph). In addition, the specification discusses preferred embodiments in which the backpack cavity is at least 432 in³ (page 5, first full paragraph).

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The applicant would also like to point out that enlarging the pouch to be backpack size is not obvious, because there is no teaching or suggestion to do so. In fact, such a change would render the stroller taught by Harada unsuitable for its intended purpose. ("[T]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (MPEP §2143.01)). Enlarging the pouch to be backpack size would cause the pouch to be in the way of the operator in both the uncollapsed (Fig. 1) and the collapsed (Fig. 2) configurations. Thus, there is nothing to suggest the desirability of modifying the pouch to be backpack sized. It should also be noted that Harada contemplates collapsing and wearing the stroller in order to make it easier to transport the child over uneven surfaces - not so that it can be used as a backpack ("when the terrain becomes uneven or when spaces becomes a premium, it may be immediately converted to a backpacktype carrier without reducing the comfort or safety of the child" column 4, lines 29-32).

Based on the failure of Harada to disclose a backpack as defined by the specification, all claims are novel over Harada.

Molnar (U.S. Patent No. 4,878,680)

The Office considers claims 14 and 15 to be anticipated by Molnar. The applicant disagrees for essentially the same reasons as stated above with regard to Harada (*i.e.* that the reference does not disclose a backpack).

In addition, independent claim 14 recites a handle having grip members that are moveably coupled to the handle such that they can either be detached from the handle or can be repositioned relative to another member of the handle. While Molnar does teach a *pair of cylindrical grips*, there is no teaching that the grips can be detached or repositioned relative to another member of the handle.

The examiner may take the position that Molnar inherently teaches grip members that can be detached or repositioned, but the applicant would like to counter that position *ab initio*. It is well settled that inherency requires that the missing element be necessarily present, not

just capable of being present in the cited reference ("to establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill...The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999).

Based on the failure of Molnar to disclose all of the elements of claims 14 and 15, the applicant submits that claims 14 and 15 are novel over Molnar.

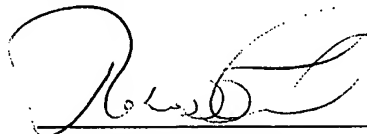
Dick (U.S. Patent No. 4,620,711)

Dick is another car seat / stroller combination and also fails to disclose a backpack as all of the claims require.

Conclusion

All pending claims are directed toward methods and devices that include a backpack. None of the references disclose, teach, or suggest a backpack. Therefore, the applicant submits that all claims are in condition for allowance.

Respectfully submitted,



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CLAIMS

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What is claimed is:

1. A collapsible stroller backpack configurable in at least three configurations wherein:
a first configuration is a stroller configuration wherein the stroller backpack comprises
a seat assembly adapted to receive a child; and
a second configuration is a backpack configuration wherein the stroller backpack is
adapted to be worn and to carry items while the seat assembly is not adapted to
receive a child;
a third configuration is a portable backpack configuration wherein the stroller
backpack is adapted to be pushed or pulled along the ground using a handle
extended from the stroller backpack while the seat assembly is not adapted to
receive a child.
2. A collapsible stroller backpack configurable in at least two configurations wherein:
a first configuration is a stroller configuration wherein the backpack comprises a seat
assembly adapted to receive a child; and
a second configuration is a backpack configuration wherein the stroller backpack is
adapted to be worn and to carry items, but the seat assembly is no longer
adapted to receive a child.
3. The stroller backpack of claim 2 further comprising at least one container wherein the
seat assembly comprises a seat that projects farther from the at least one container
while the stroller backpack is configured as a stroller than it does when the stroller
backpack is configured as a backpack.
4. The stroller back pack of claim 2 wherein the stroller backpack is alternately
configurable as a stroller and a backpack and comprises a handle rotateably coupled to
the frame wherein the handle is adapted for use in pushing, pulling, or directing the
stroller backpack when it is configured as a stroller.
5. The stroller back pack of claim 2 stroller backpack comprising at least one pair of
shoulder straps coupled to a first side of a container, and a wheeled seat portion
extending outward from a different side of the container.

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6. The stroller backpack of claim 2 comprising a handle having a fixed portion and at least two grip members moveably coupled to the handle such that they can either be detached from the handle or can be repositioned relative to another member of the handle.
7. The backpack of claim 6 wherein the extensions are slideably connected to opposite ends of a crossbar and are adapted to slide into and out of the ends of the crossbar.
8. A stroller backpack alternately configurable as a stroller and a backpack and comprising a handle rotateably coupled to the frame wherein the handle is adapted for use in pushing, pulling, or directing the stroller backpack when it is configured as a stroller.
9. The stroller backpack of claim 8 wherein the handle has a fixed portion and at least two grip members moveably coupled to the handle such that the at least two grip members can either be detached from the handle or can be repositioned relative to another member of the handle.
10. The backpack of claim 9 wherein the extensions are slideably connected to opposite ends of a crossbar and are adapted to slide into and out of the ends of the crossbar.
11. The backpack of claim 10 comprising at least one pair of shoulder straps coupled to a first side of a container, and a wheeled seat portion extending outward from a different side of the container.
12. The backpack of claim 11 wherein the backpack is configurable in at least a first configuration that is a stroller configuration wherein the backpack comprises a seat assembly adapted to receive a child, and a second configuration that is a backpack configuration wherein the stroller backpack is adapted to be worn and to carry items, but the seat assembly is no longer adapted to receive a child.
13. The backpack of claim 12 wherein the backpack comprises wheels and is also configurable as a portable backpack such that it can be pushed or pulled on the wheels while not configured as a stroller.

14. A stroller backpack comprising a handle having a fixed portion and at least two grip members moveably coupled to the handle such that they can either be detached from the handle or can be repositioned relative to another member of the handle.
15. The backpack of claim 14 wherein the extensions are slideably connected to opposite ends of a crossbar and are adapted to slide into and out of the ends of the crossbar.
16. A collapsible stroller backpack comprising a collapsible seat assembly and an extendable handle and container wherein the handle and seat assembly are coupled to the body, and the handle can be extended while the seat assembly remains collapsed.
17. A method of changing the configuration of a stroller backpack comprising a handle assembly, a container assembly and a seat assembly, the method comprising extending the handle assembly so that it projects outward from the container assembly and causing the seat assembly to project outward from the container assembly and away from the handle assembly.
18. The method of claim 17 further comprising rotating a portion of the handle assembly relative to the container assembly to change the relative angle between that portion of the handle assembly and the container assembly.
19. The method of claim 18 further comprising extending a pair of grips outward from a portion of the handle assembly.
20. The method of claim 19 wherein causing the seat assembly to project outward from the container assembly comprises unzipping and unfolding the seat assembly.
21. The method of claim 17 further comprising subsequently collapsing the handle assembly and the seat assembly such that they are in the same position relative to the container assembly as they were prior to being extended and caused to project outward.